

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**AFFINITY PRODUCTION CO., LLC, a
Nebraska Limited Liability Co.,**

Plaintiff and Counterdefendant,

V.

CSS FARMS, INC., a South Dakota Corporation doing business in Nebraska,

Defendant and Counterclaimant,

V.

DANIEL KOCH, an Individual,
Counterdefendant

CASE NO. 8:08CV449

MEMORANDUM AND ORDER

This matter is before the Court on the Motion for Reconsideration (Filing No. 113) submitted by Plaintiff Affinity Production Co., LLC (“Affinity”) . Affinity asks the Court to reconsider its Memorandum and Order of February 24, 2010 (Filing No. 107) that granted summary judgment in favor of Defendant CSS Farms, Inc. (“CSS Farms”) and dismissed all claims by Affinity against CSS Farms, with prejudice.

Motions for reconsideration are reviewed under Nebraska Local Civil Rule 60.1. NECivR 60.1(c) provides: “Motions for reconsideration are disfavored, and the court will ordinarily deny them without a showing of (1) manifest error in the prior ruling; or (2) new facts or legal authority, neither of which could have been brought to the court’s attention earlier with reasonable diligence.”

Affinity argues the Court's decision was in error because material issues of fact remain which should be resolved by a finder of fact rather than on a motion for summary

judgment. After carefully reviewing Affinity's motion and brief, the Court finds that Affinity's characterization of the contractual terms does not show manifest error in the Court's decision. Further, Affinity has not identified new law or facts that could not have been brought before the Court previously. Therefore, Affinity's argument fails to establish that the Court's order merits reconsideration and the motion will be denied.

Accordingly,

IT IS ORDERED: Plaintiff Affinity Production Co., LLC's Motion for Reconsideration (Filing No. 113) is denied.

DATED this 11th day of March, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge